

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

Shahadah Sainpaulin

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Finger Lakes DDSO

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

21-CV-6396EAW

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Shahadah Sainpaulin

Street Address

28 Nathaniel Dr.

City and County

Scottsville

Monroe

State and Zip Code

New York

14546

Telephone Number

585-969-8033

E-mail Address

Kattrell33@gmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

Defendant No. 1

Name

Fingerlakes D.D.S.O.

Job or Title (if known)

Street Address

620 Westfall Rd.

City and County

Rochester

Monroe

State and Zip Code

New York

14620

Telephone Number

E-mail Address (if known)

Defendant No. 2

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 3

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

Defendant No. 4

Name

Job or Title (if known)

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address (if known)

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

Name

Fingerlakes D.D.S.O.

Street Address

620 Westfall Rd

City and County

Rochester

Monroe

State and Zip Code

New York

14620

Telephone Number

(585) 461-8500

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to (check all that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)



Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)



Other federal law (specify the federal law):



Relevant state law (specify, if known):



Relevant city or county law (specify, if known):

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes (check all that apply):

☐

Failure to hire me.

☐

Termination of my employment.

☐

Failure to promote me.

☐

Failure to accommodate my disability.

☐

Unequal terms and conditions of my employment.

☒

Retaliation.

☒

Other acts (specify):

Whistleblowers retaliation

(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)

Dates listed on statement of facts.

C. I believe that defendant(s) (check one):

☒

is/are still committing these acts against me.

☐

is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check all that apply and explain):

☒

race

☐

color

☐

gender/sex

☐

religion

☐

national origin

☐

age (year of birth)

☐

disability or perceived disability (specify disability)

I reported white supervisor was using client funds for personal use. I was moved to a different work location. Retaliation started.

(only when asserting a claim of age discrimination.)

E. The facts of my case are as follows. Attach additional pages if needed.

see attachment - statement of facts

(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

February 2021

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒

issued a Notice of Right to Sue letter, which I received on (date)

(Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

- C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☐

60 days or more have elapsed.

☐

less than 60 days have elapsed.

#### V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Medical bills went unpaid now up to \$20,000. Loss wages and benefits (appx. \$80,000 plus). Mental anguish that caused and worsen my health condition while interfering with disability payments. Refusal to update my (part-time) employment opportunities by not renewing my CNA.

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 5/21/21

Signature of Plaintiff

Printed Name of Plaintiff

Shahadah Sainpaulin  
shahadah Sainpaulin

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Buffalo Local Office**

300 Pearl St., Ste. 450  
Buffalo, NY 14202  
(716) 551-5007  
TTY (716) 551-5923  
FAX (716) 551-4387

Shahadah Sainpaulin  
28 Nathaniel dr  
Wheatland, NY 14546

Re: EEOC Charge No.: 525-2021-00276  
Shahadah Sainpaulin v. Finger Lakes DDSO

Dear Ms. Sainpaulin:

The Equal Employment Opportunity Commission (hereinafter referred to as the "Commission"), has reviewed the above-referenced charge according to our charge prioritization procedures. These procedures, which are based on a reallocation of the Commission's staff resources, apply to all open charges in our inventory and call for us to focus our limited resources on those cases that are most likely to result in findings of violations of the laws we enforce.

In accordance with these procedures, we have evaluated your charge based upon the information provided by you. You alleged that you were subjected to different terms and conditions of employment and a hostile work environment because of your race/ African-American; and that you were subjected to retaliatory actions.

An assessment of your allegations has been completed. It seems that your allegations did not establish a prima facie case. A Charging Party (you) must provide the building blocks which would lead to reasonably believe there was a violation to the Law. Specifically, you were unable to establish that there was a connection between your basis- race discrimination/retaliation, and the harm that you alleged- different terms and conditions of employment and hostile work environment.

Based upon an analysis of the information submitted to us, the Commission is unable to conclude that the information establishes a violation of Federal law on the part of Respondent. This does not certify that Respondent is in compliance with the statutes. No finding is made as to any other issue that might be construed as having been raised by this charge.

The Commission's processing of this charge has been concluded. Included with this letter is your Notice of Dismissal and Right to Sue. Following this dismissal, you may only pursue this matter by filing suit against the Respondent named in the charge within 90 days of receipt of said notice. Otherwise, your right to sue will be lost. Please contact Federal Investigator Nelly Sanchez at (716) 431-5017 if you have any questions.

Date:

Sincerely,

**Maureen C. Kieft**

Maureen Kieft, Director  
Buffalo Local Office

Digitally signed by Maureen C. Kieft  
DN: cn=Maureen C. Kieft, o=Equal Employment Opportunity Commission,  
ou=Buffalo Local Office, email=maureen.kieft@eoc.gov, c=US  
Date: 2021.02.24 11:14:05 -0500



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Shahadah Sainpaulin**  
**28 Nathaniel dr**  
**Wheatland, NY 14546**

From: **Buffalo Local Office**  
**300 Pearl Street**  
**Suite 450**  
**Buffalo, NY 14202**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**525-2021-00276**

**Nelida Sanchez,**  
**Investigator**

**(716) 431-5017**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

**Maureen C. Kielt**

Digitally signed by Maureen C. Kielt  
 DN: cn=Maureen C. Kielt, o=Equal Employment Opportunity Commission, ou=Buffalo  
 Local Office, email=maureen.kielt@eoc.gov, c=US  
 Date: 2021.02.24 11:15:00 -05'00'

Enclosures(s)

**Maureen Kielt,**  
**Local Office Director**

(Date Issued)

cc:

**Chelsey Franz**  
**Human Resources Representative**  
**FINGERLAKES DDSO**  
**620 Westfall rd**  
**Rochester, NY 14620**



### Statement of facts

7/2021 – present. My workplace CSEA sponsored Disability Insurance (Pearl Insurance) was under paying me for about six months. When that was addressed, she started delaying the payments.

10/22/20 I reached out to Chelsey Fran, HR Specialist for Finger Lakes DDSO, asking to renew my C.N.A. paperwork. She referred it to a woman name Rebecca for employment verification. Chelsey emailed me back saying there is nothing for FLDDSO to fill out. I replied there is an employer code and signature clearly on the page, also a check off for type of facility, Residential/Assisted Living. I contacted Prometric who said they don't have to be a staffing agency as long as the state agency has an employer code.

Chelsey responded, she checked with leadership and they don't know what the Employer Code is. I have emails regarding this dialogue.

10/1/20 .Via email Chelsey Fran said I was a no call no show for my night shift work assignment. The length I've been out requires a clearance with a 256 form. When I addressed with her the hostile work environment she denied knowing anything about it. I forwarded the workplace violence coordinator's email which showed she had knowledge of the problems at the worksite. She said talk to the DAIII. I informed her I've already going through the chain of command and spoke to the DAIII and Team Leader. She never responded about the hostile workplace. She did not address my concerned only to point out I was a no call no show. She was told I had a doctor's appointment on 10/1/20 and will update her after that.

6/26/20 I talked to Sean O'Reiley, who is the work place violence specialist, about working in the hostile work environment and with continued retaliation. Sean said he couldn't do anything because nothing physical happened and Chelsey Franz would be the person to handle this issue. He said he would talk to her and she would call me by days in and to contact him Monday if I didn't hear from her and I did. He sent an email stating he informed her and she was gathering information. Chelsey never followed up.

5/21/20 I was written up for contacting the AOD about a consumer with a black eye on 5/20/20 after being told not to document or complete paperwork on my observation. I contact the AOD with my concerns. I was even told by the AOD I did the right thing to follow up on patient abuse and I followed up again with this same AOD about my write up and they said they had no knowledge of the write up or why I would be written up. I continued to be targeted and written up after this incident. I contacted payroll about payments and having a audit done and there was no follow up

4/15/20 I was notified about being exposed with Covid-19 from an investigator in Albany. I was told I should have been notified by my employer and I was not. There was no PPE available during time of exposure. The options given were two week pay or worker compensation. I chose worker's comp and Chelsey Franz refuse to take or return my phone calls when I called her. I have the emails. I was told by the NYS Insurance that Human Resources disputed my choice of worker's comp and to call to see why. Chelsey refused to take my phone calls. I had to ask questions to Judy (worker's comp rep) who would refer me back to Chelsey Franz.

1/31/20 I sent an email to a Direct Care Coordinator expressing concerns of incidents and retaliation. She forward the email to the Team leader. The Team Leader passed it down to DA3 and they allowed every staff in the house to read my email causing increased retaliation and targeting, creating a hostile work environment. The team leader told me at a meeting that other houses in the cluster also knew about the email. I had continual issues in this house and they refuse to move me but moved another staff immediately with no issue when she had an issue with the supervisor.

4/12/19 I was sent out to another work location shortly after reporting the DA2 at the Middle Rd. location was stealing funds and acting as she was shopping for the consumer and she was keeping the items. The team leader made the supervisor return the shoes and I was moved. I was told I was doing temporary assignments and then told I didn't have a position at middle rd. even though I had paperwork stating that was my permanent house. I'm black, the supervisor is white. If I was stealing funds and shopping for myself, the justice center would have been contacted. They moved me and tried to make work hostile and unsafe and unbearable to work.